

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 14, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEAN IAN RICE,

Defendant.

No. 2:22-CR-00101-SAB

**STIPULATED PROTECTIVE
ORDER REGARDING
COMPUTER FORENSIC
REVIEW PROCEDURES FOR
CHILD PORNOGRAPHY
CONTRABAND**

Before the Court is the parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband. ECF No. 23. The parties ask the Court to enter a Protective Order that will encompass computer forensic review procedures for child pornography contraband. Good cause exists to enter the Stipulation.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband, ECF No. 23, is **GRANTED**.

2. IT IS FURTHER ORDERED that, 18 U.S.C. § 3509(m) applies to this case, and the Court is required to deny defense requests to copy, photograph, duplicate, or otherwise reproduce material constituting child pornography if the

1 government makes the material reasonably available to Defendant and provides an
2 ample opportunity for the defense to examine it at a government facility. See 18
3 U.S.C. § 3509(m).

4 3. IT IS FURTHER ORDERED that, in order to comply with 18 U.S.C.
5 § 3509(m), and to allow Defendant the greatest opportunity to prepare an effective
6 defense in preparation for trial in this matter, the government will make a true
7 forensic extraction and/or image of devices and media containing alleged child
8 pornography contraband at issue in the above-referenced case. The government
9 will make that forensic extraction and/or image reasonably available to Defendant
10 and provide ample opportunity for the defense team to examine it at a government
11 facility in Spokane, Washington. The parties may readdress the Court if there is a
12 need for additional or after-hours access during the course of litigation in the event
13 trial or motion hearings require additional forensic review.

14 4. IT IS FURTHER ORDERED that the defense forensic examination
15 will be conducted in an interview room monitored by closed-circuit television
16 (“CC-TV”), without audio feed. While the TV with non-audio feed will ensure the
17 integrity of FBI/HSI space and security of its occupants, the video feed is not of
18 sufficient detail or at an angle that would reveal defense strategy. The government
19 and its agents expressly agree that no attempt will be made to record any audio
20 from the workstation and that no attempt will be made to observe the defense
21 team’s work product or computer monitor screen at any time. The defense expert
22 may review the feed to ensure that defense strategy is not being compromised at
23 any time while conducting the forensic review.

24 5. IT IS FURTHER ORDERED that the defense team shall not make,
25 nor permit to be made, any copies of the alleged child pornography contraband
26 pursuant to this Protective Order and shall not remove any contraband images from
27 the government facility. The defense expert will be allowed to copy any file that is
28 not contraband and compile a report (without contraband images/videos)

1 documenting the examination on removable media at the discretion of the defense
2 expert.

3 6. IT IS FURTHER ORDERED that the designated defense expert will
4 leave at the government facility any equipment, including hard drives, which
5 contain child pornography contraband that is identified during forensic evaluation.
6 The parties may readdress this matter with the Court upon notice that the defense
7 intends to retain a different defense expert.

8 7. IT IS FURTHER ORDERED that for the purpose of trial, the
9 government agrees to make available a digital copy of any government trial exhibit
10 that contains contraband, which will be kept in the custody and control of the case
11 agent. Upon reasonable notice by the defense, the case agent will also maintain for
12 trial digital copies of any proposed defense exhibit that contains contraband. If the
13 defense team intends to offer, publish, or otherwise utilize any government or
14 defense exhibit contained on the digital copy maintained by the case agent during
15 trial, the case agent shall assist the defense team in publishing or utilizing the
16 exhibit that contains contraband upon notification by the defense team.

17 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
18 and forward copies to counsel.

19 **DATED** this 14th day of September 2022.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

25 Stanley A. Bastian
26 Chief United States District Judge
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